

Appl. No. : 09/723,493
Filed : September 27, 2001

In the above-designated application, please enter the following remarks:

Please **CANCEL** Claim 10 without prejudice, as drawn to a non-elected invention.

REMARKS

In an Office Action, mailed September 6, 2002, the Examiner required that examination of the application be restricted to one of three groups of claims. Specifically, the Examiner asserted that the claims are directed to distinct inventions as follows: Group I: Claims 1-9, 11, 12, 14, 15 and 17, drawn to an antibody comprising a polypeptide binding domain having an amino acid sequence as set forth in residues 99-106 of Sequence ID No. 2 and methods of making the antibody thereof; Group II: Claims 1-10 and 13, drawn to an antibody labeled with a detectable label (e.g., radiolabel) comprising a polypeptide binding domain having an amino acid sequence as set forth in residues 99 – 106 of Sequence ID No. 2 and methods thereof; and Group III: Claims 1-10, 13 and 16, drawn to an antibody labeled with a functional label (e.g. toxin) comprising a polypeptide binding domain having an amino acid sequence as set forth in residues 99 – 106 of Sequence ID No. 2.

Applicants hereby elect, with traverse and for purposes of examination, Group I: Claims 1-9, 11, 12, 14, 15 and 17.

The Examiner has noted that claims “appearing in more than one group will only be examined to the extent that they read on the elected invention.” With this caveat in mind, Applicants respectfully request that Claim 13 and Claim 16 be rejoined into Group I. Claims 13 and 16 recite methods of treatment comprising the administration of the antibody of Claim 1. Accordingly, especially in view of the Examiner’s caveat, these claims may be examined together with Claim 1.

Claim 10 has been canceled without prejudice as drawn to a non-elected invention. Nonetheless Claims 13 and 16 are not presently canceled, in the hope that the Examiner will rejoin these claims with Group I for purposes of examination of the present application. If the Examiner maintains the restriction requirement and decides to not rejoin Claims 13 and 16 with Group I, Applicants agrees to cancel these claims without prejudice as drawn to a non-elected invention.

The Examiner is invited to call the undersigned attorney, if it is desirable to discuss any issues raised in this Responsive to Restriction Requirement.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

July 25, 2003

By: _____



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